



Rezoning Petition No. 201404014

PROPERTY INFORMATION	
Address, Land Lot, and District	6125 Roswell Road, 0, 263 Hilderbrand Drive Land Lot 89, District 17
Council District	3 (Graham McDonald)
Frontage	350 feet of frontage along the east side of Roswell Road, 410 feet along the south side of Hilderbrand Drive and 490 feet along the west side of Boylston Drive
Area	5.11 Acres
Existing Zoning and Use	C-1 (Community Business District), currently developed with commercial uses
Overlay District	Main Street Overlay District
Special Planning Area	City Center Master Plan Area (adopted Dec. 18, 2012)
2027 Comprehensive Future Land Use Map Designation	LWC (Live Work Community)
Proposed Zoning	MIX (Mixed Use District)

APPLICANT/PETITIONER INFORMATION			
Property Owner	Petitioner	Representative	
Parian Investments, Inc.	MCRT Investments, LLC	Nathan V. Hendricks	
Community Zoning Information Meeting	Community Developer Resolution Meeting	Planning Commission Hearing	Mayor and City Council Hearing
November 25, 2014	December 17, 2014	February 19, 2015	March 17, 2015

DEPARTMENT OF COMMUNITY DEVELOPMENT RECOMMENDATION

201404014- DEFERRAL
201404014 Variance #1-DENIAL
201404014 Variance #2-DENIAL

PLANNING COMMISSION RECOMMENDATION- February 19, 2015

201404014- TBD
201404014 Variance #1-TBD
201404014 Variance #2-TBD

BACKGROUND

The Applicant has applied to rezone the subject properties from C-1 (Community Business District) to MIX (Mixed Use District) to construct a mixed use development.

Additionally, the applicant is requesting two (2) concurrent variances from the Zoning Ordinance as follows:

1. Variance from 12B.8.F.2.c.i to delete the 60% transparent glazing requirements.
2. Variance from 103-107 (e) (1) to allow buildings to be located within three (3) feet of the right-of-way as shown on the site plan.

This property is located at 6125 Roswell Road and is within the City Center Master Plan Area. The applicants intent is to rezone the subject property C-1 (Community Business District) to MIX (Mixed Use District) to provide for 450 for rent multi-family units along with 40,000 square feet of retail, commercial and restaurant uses.

	Residential	Retail/Commercial/Restaurant
Units/Sqft	450 units	40,000 s.f.
Density	88.06 du/ac	7,827.79 s.f./ac
Height	5 stories	1 story (partial)
Bedrooms	N/A	N/A

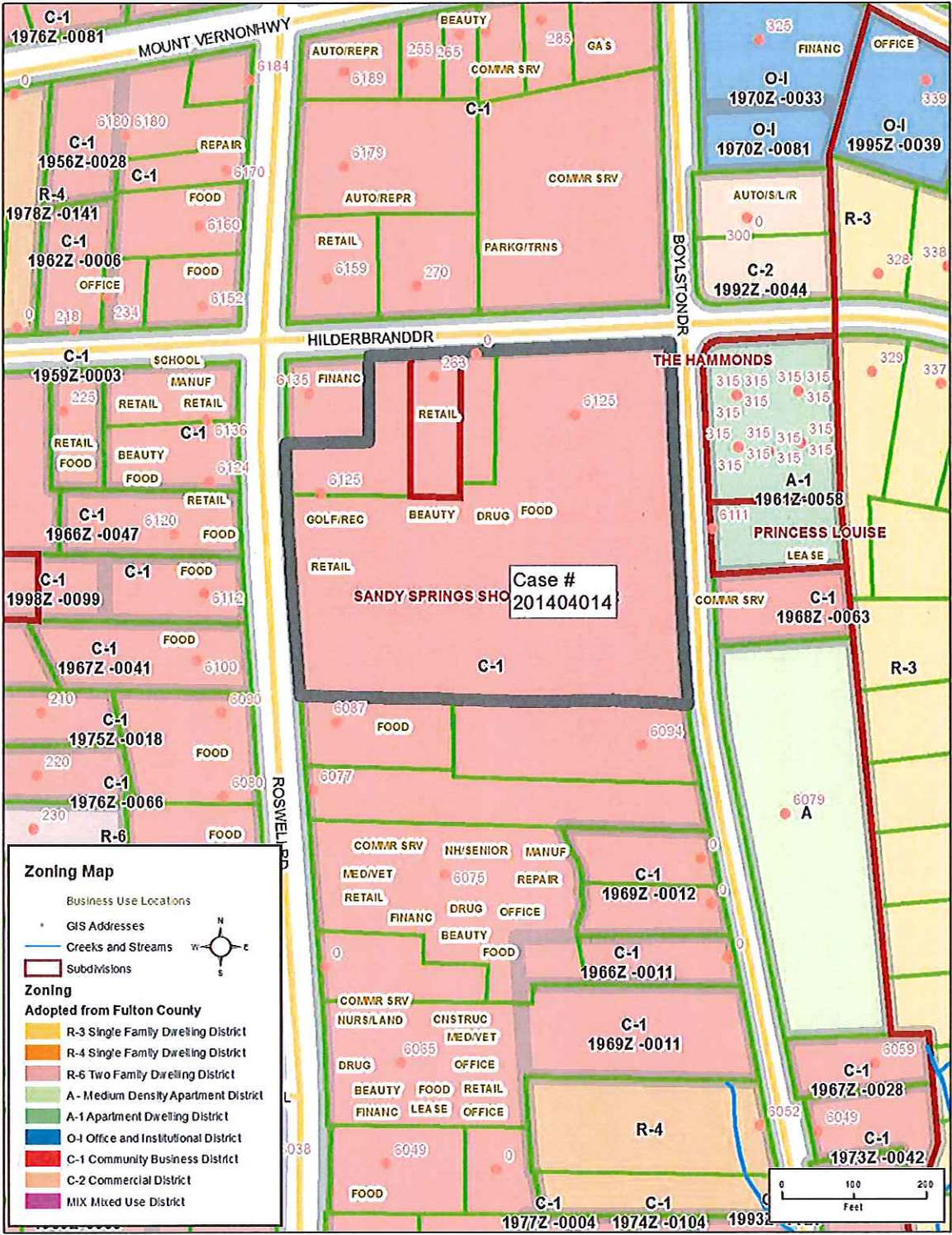
The property will be bisected by two new alleys – one north to south and one east to west – along with a new east to west road along the south property line. Retail, commercial and restaurant uses will be located on the first floor of the proposed development along Roswell Road and a proposed interior street running east to west on the south side of the property. Multifamily residential units will be located on the upper stories above these uses as well. The eastern portion of the property will consist entirely of multi-family residential, including this use on the ground floor along Boylston Drive, Hilderbrand Road and the newly created street. The first concurrent variance requested, to delete the 60% transparent glazing requirements, lies along these frontages. The second current variance requested would allow buildings to be placed within 3 feet of the respective right-of-way lines on the property.

PROPOSED LAND USE AND ZONING						
Requested Zoning	Land Area (Acres)	Proposed Uses	Number of Units & Sq. Ft. per unit	Square Footage by Use	Percentage of Total S.F. by Use	Density
MIX	5.11	Apartments	450 units; N/A sf/unit	Not Provided	Not Provided	88.06 units/ac
		Restaurant/ Commercial	40,000 s.f.	40,000	Not Provided	7,827.79 sf/ac

EXISTING LAND USE AND ZONING OF ABUTTING PROPERTY					
Location in relation to subject property	Zoning	Use	Land Area (Acres)	Square Footage/ units	Density (Square Feet or Units Per Acre)
North	C-1	6159 Roswell Road	0.42	13,000 Commercial	30,952.38 sf/ac
North	C-1	270 Hilderbrand Drive	0.46	4,023 Commercial	8,745.65 sf/ac
North	C-1	290 Hilderbrand Drive	1.82	32,302 Commercial	17,748.35 sf/ac
East	A-L (1961Z-0058)	315 Hilderbrand Drive	0.9	20 Multifamily Units	22.22 units/ac
East	A-L (1961Z-0058)	6111 Boylston Drive	0.43	8 Multifamily Units	18.60 units/ac
East	C-1 (1968Z-0063)	6105 Boylston Drive	0.39	1,108 Commercial	2,841.02 sf/ac
East	A (201401682)	6079 Boylston Drive	2.14	15 Multifamily Units	7.01 units/ac
South	C-1	6087 Roswell Road	0.50	Undeveloped	N/A
South	C-1	6094 Boylston Drive	0.78	13,998 Government	17,946.15 sf/ac
West	C-1 (1967Z-00041)	6100 Roswell Road	0.64	3,626 Commercial	5,665.62 sf/ac
West	C-1	6112 Roswell Road	0.58	5,888 Commercial	9,768.31 sf/ac
West	C-1 (1966Z-0047)	6120 Roswell Road	0.53	2,400 Commercial	4,528.30 sf/ac
West	C-1	6135 Roswell Road	0.31	1,647 Commercial	5,312.90 sf/ac

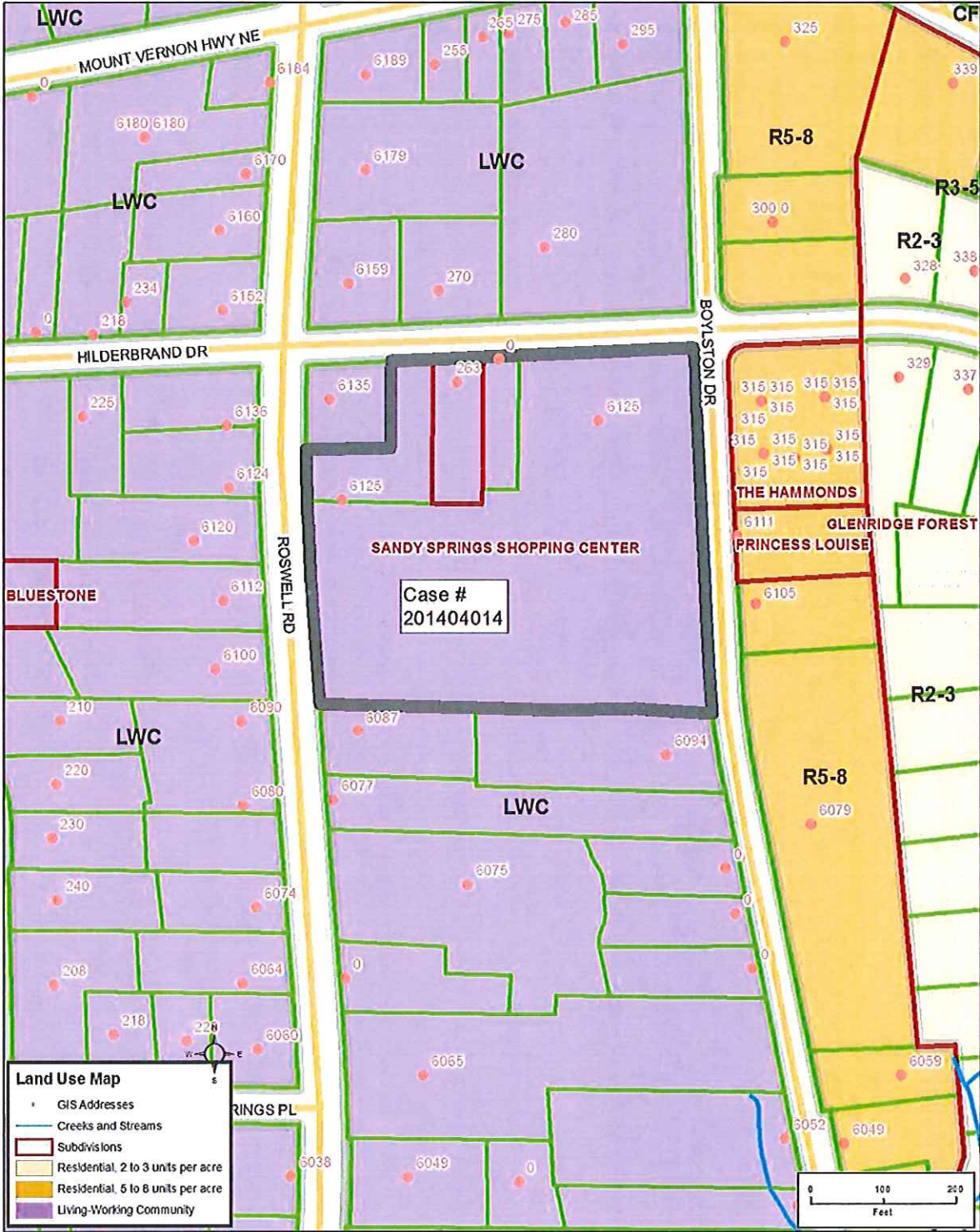
Zoning Map

6125 and 6135 Roswell Road (SR9)

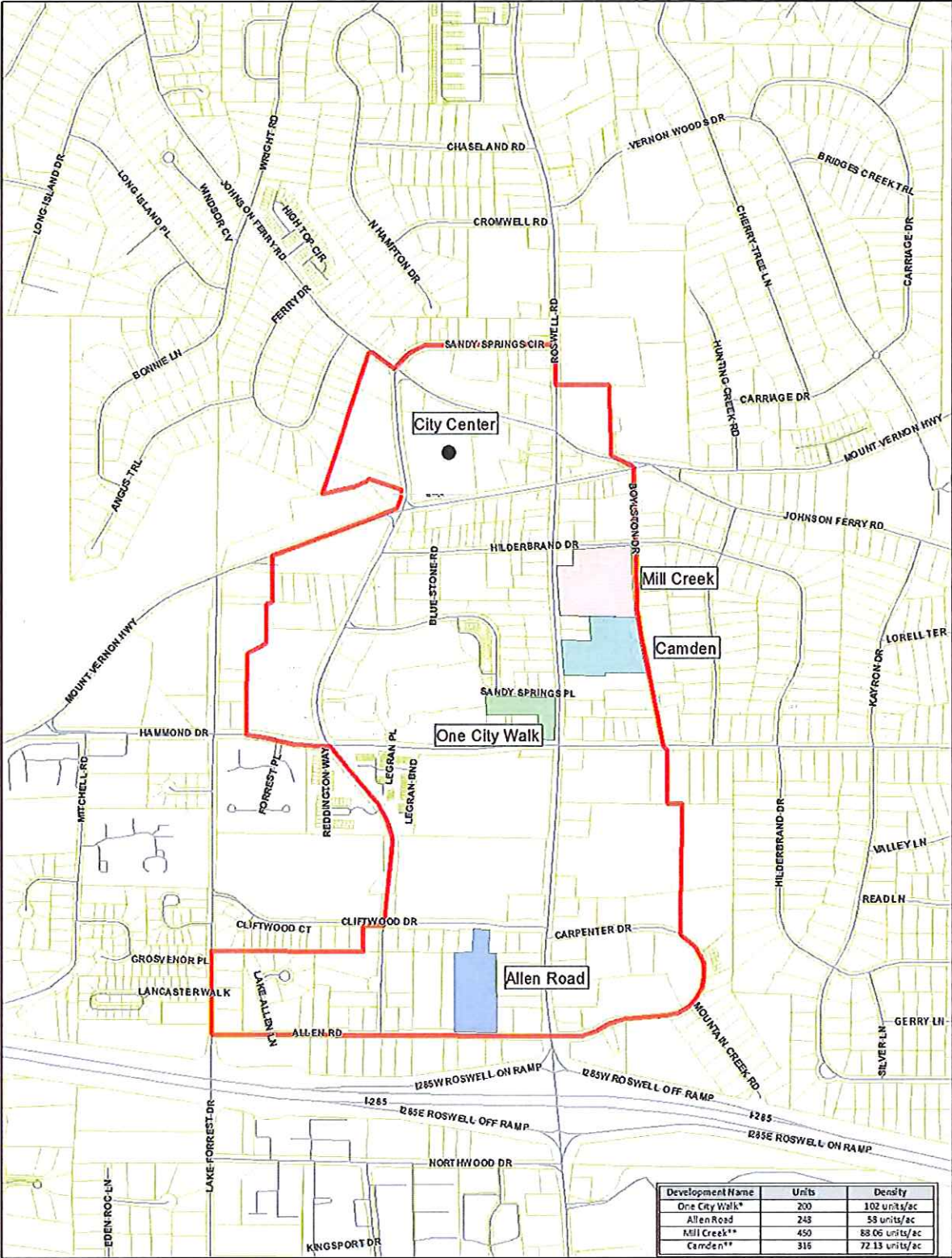


Future Land Use Map

6125 and 6135 Roswell Road (SR9)



Recent City Center Multi-family Developments



ZONING IMPACT ANALYSIS

Per Article 28.4.1, *Zoning Impact Analysis by the Planning Commission and the Department*, the staff shall make a written record of its investigation and recommendation on each rezoning petition with respect to the following factors:

A. *Whether the zoning proposal will permit a use that is suitable in view of the use and development of adjacent and nearby property.*

Finding: The staff is of the opinion that the proposed use is suitable in view of the use and development of adjacent and nearby property. The adjacent uses are as follows: Commercial (north, south and west) and Multi-Family Residential (east). The proposed development would be replacing several 1960's era commercial development. The retail/commercial/resturant components of the mixed use development are proposed to be located along Roswell Road. Multi-family dwellings will also be located on the floors above the retail/commercial/restaurant components. Multi-family dwellings would continue through the property to its eastern property line with Boylston Drive where a townhouse development was recently approved.

B. *Whether the zoning proposal will adversely affect the existing use or usability of adjacent or nearby property.*

Finding: The staff is of the opinion that the proposal will not adversely affect the use of the adjacent or nearby properties to the north, west and south, which are all commercial properties. The approved townhouse development to the east will be adjacent to the apartment component of the proposed development. While this use is compatible with the approved lower density townhome development, the proposal still calls for structures considerably higher than the 43 foot height of the townhomes. A transition to a lower height and intensity would allow the property to better transition to these less dense residential properties. The proposal may affect the use of these properties at the current height.

C. *Whether the property to be affected by the zoning proposal may have reasonable economic use as currently zoned.*

Finding: The staff is of the opinion that the subject property has a reasonable economic use as currently zoned. The property is currently developed with 82,254 square feet of commercial space.

D. *Whether the zoning proposal will result in a use which will or could cause an excessive burdensome use of existing streets, transportation facilities, utilities, or schools.*

Finding: The staff is of the opinion that the proposal at the current multi-family density of 88.83 units per acre may cause an excessive or burdensome use of the existing infrastructure. The primary concern is the burden placed on existing roads, most notably Roswell Road. The applicant has revised their site plan to show a parking garage access point for the multi-family residential off of Boylston Drive. It is of the opinion of the staff that this would provide access for residential traffic for the property off of Roswell Road and onto Boylston Road while continuing to allow access from Roswell Road. However, the driveway shown to access this garage does not meet our transportation standards. The drive shown is approximately 60 feet in width, creating a significant distance for pedestrians to cross. A reduction in width would be required. The Fulton County School Board report is attached.

E. *Whether the zoning proposal is in conformity with the policies and intent of the land use plan.*

Finding: The staff is of the opinion that the proposed mixed use with multi-family residential is consistent with the intent of the future land use plan; Living-Working Node 8: Town Center; and the identified need for mixed-use projects under the Sandy Springs City Center Master Plan guidelines. The applicant is requesting a density of 88.06 residential (multi-family) units/acre. This proposed density is not consistent with the suggested maximum of 40 to 50 residential units per net acre (without streets) within the City Center Master Plan, which is based upon a development that has a 30-50% surface parking to 50-70% structure parking split. An allowance for up to 60 units per acre, if a higher percentage of structured parking is

provided for, is outlined in the City Center Master Plan’s Market Analysis. The City Center Master Plan density supercedes the 20 residential units per acre prescribed in the Comprehensive Plan.

The proposed project would potentially have significant impacts on market demand for multifamily units within the City Center Master Plan Area. The market analysis within the adopted plan identifies a market opportunity within the entire City Center Master Plan Area of 1,155 new multifamily units by 2017 and 1,500 units by 2022 assuming current market trends continue. A varied mix of unit types, sizes and prices is recommended in the City Center Master Plan to generate the strongest market possible. This proposed project would consume over 39% and 30% of those respective projections. Since the creation of the master plan, 770 multifamily units have been built or approved for construction. Staff is of the opinion that concentrating high quantities of multifamily units on individual parcels could be detrimental to the overall development of the City Center study area. The goal of the City Center Master Plan is to develop the entire study area, not just a few parcels.

The proposed density of 7,827.79 retail/commercial/restaurant square feet per acre is less than the maximum square feet per acre for both Living-Working Community and Living-Working Node 8: Town Center designations. The ground-floor location of these uses along Roswell Road meets the intent of the comprehensive plan and overlaly district. However, ground floor retail uses should be continued along street frontages of Boylston Drive, Hilderbrand Road and the newly created street also.

The Comprehensive Plan includes guidelines and policies for the Town Center Node that provide for density and height bonuses beyond the recommendations of the Comprehensive Plan. The Town Center Guidelines and Policies section of the plan is incorporated in the bullets below. Additional plan policies that staff considered in developing the recommendation for this proposal are also listed.

Proposed Density	Comprehensive Plan	City Center Master Plan
Commercial/ Restaurant- 7,827.79 sqft/ac Residential – 88.83 units/ac Height- 6 stories	LWC (Node 8) Commercial – 25,000 sqft/ac or greater Residential – 20 units/ac or greater Height- 6 stories (Main Street Overlay)	Commercial – 25,000 sqft/ac or greater Residential – 40-50, 60 units/ac Height- 6 stories

The project as depicted on the revised site plan is inconsistent with the following polices set forth in the Comprehensive Plan:

Node 8: Town Center

- 5. The following guidelines shall highlight the growth and development of the Town Center:
 - b. Regulations should discourage the creation of a “canyon effect” in the Town Center.
 - c. Heights and architectural elements shall be varied.
- 6. Development of the Town Center area is recommended at the following levels:
 - a. Maximum residential density: no greater than 20 units/acre.
 - c. Minimum open/green space (and shall not include parking lots): 15%.
- 7. Town Center assemblage policy:
 - a. Density and/or height bonuses, beyond the recommendations of the Comprehensive Plan, may be approved by the Mayor and City Council for the development or redevelopment of assembled properties consisting of a minimum of five (5) or more acres. The approval of bonuses will be based on the merits of the project

relative to whether it provides desirable attributes that meet or exceed the goals and objectives of the Comprehensive Plan. Such goals may include, but not be limited to:

- i. Providing significant green space or public space.
- ii. Providing uses that contribute to the public good such as museums, art galleries, public art, art galleries, and theatres.
- iii. The use of green space and possible linear or pocket parks.
- iv. Provide for the relocation of utilities underground or at the rear of new developments resulting from assemblage.

8. Town Center transition policy:

- a. Development on the borders of the Town Center shall accommodate an appropriate transition to less intense development outside the area. Appropriate forms of transition shall include, but not be limited to:
 - i. Utilizing less intense uses
 - ii. Building heights, bulk, and architecture compatible with nearby developments
 - iii. The use of green space and possible linear or pocket.

The project as depicted on the revised site plan is inconsistent with the following polices set forth in the City Center Master Plan:

Development Feasability Analysis – 40-50 units/ac; 5 year absorbtion rate of 231 units/year; distribution of housing types throughout the Sandy Springs City Center Master Plan.

Strategy 2 -Action Steps – Roswell Road Corridor – Building edge: continuous as possible along sidewalks; variation in façade positions to create a variety of active wide sidewalk and plaza spaces including outdoor dining, benches, street strees and other plantings; 4th story step-back; access from side and rear streets instead of Roswell Road

Strategy 3- Support mixed-use neighborhoods with a network of walkable streets – The revised site plan reduces public spaces and does not develop walkable streets including the new street and on Boylston Drive. Further analysis would be helpful.

F. Whether there are other existing or changing conditions affecting the use and development of the property which give supporting grounds for either approval or disapproval of the zoning proposal.

Finding: The staff is of the opinion that there are existing or changing conditions affecting the use and development of the property, which give supporting grounds for approval or denial of the applicant’s proposal. Adoption of the City Center Master Plan in 2012 and the planned development of the City Center have changed the standards and vision for the City Center study area. These new development standards are changed conditions which have significant impact on the project.

G. Whether the zoning proposal will permit a use which can be considered environmentally adverse to the natural resources, environment and citizens of Sandy Springs.

Finding: The staff is of the opinion that the proposal would not permit a use which could be considered environmentally adverse to the natural resources, environment, or citizens of Sandy Springs, other than noted above. The proposal will be required to meet all current City Codes including, but not limited to stormwater management system, replanting of required buffers, landscape strips, interparcel access to eliminate curb cuts, creation of a grid street network and streetscape.

Note: This application includes an assemblage of properties but does not include the entire block. Developing the entire block would be preferable.

VARIANCE CONSIDERATIONS

1. Variance from 12B.8.F.2.c.i to delete the 60% transparent glazing requirements.

Article 22 of the Zoning Ordinance indicates the following are considerations in granting variances, of which only one has to be proven:

1. *Relief, if granted, would be in harmony with, or, could be made to be in harmony with, the general purpose and intent of the Zoning Ordinance; or,*
2. *The application of the particular provision of the Zoning Ordinance to a particular piece of property, due to extraordinary and exceptional conditions pertaining to that property because of its size, shape, or topography, would create an unnecessary hardship for the owner while causing no detriment to the public; or,*

The applicant has indicated that the variances being requested will be in harmony with the policy and intent of the Zoning Ordinance and will not result in any harm to the health, safety and welfare of the general.

Staff is of the opinion that the request to delete the 60% transparent glazing requirements as presented is not in harmony with the intent of the Zoning Ordinance and City Center Master Plan. This variance request would only apply along frontages with first floor residences which include: Hilderbrand Drive, Boyleston and the newly created road on the south side of the property. No elevations have been presented which would provide engagement with the street along the frontages seeking a variance. Therefore, based on these reasons, the staff recommends **DENIAL** of this variance request.

2. Variance from 103-107 (e) (1) to allow buildings to be located within three (3) feet of the right-of-way as shown on the site plan.

Article 22 of the Zoning Ordinance indicates the following are considerations in granting variances, of which only one has to be proven:

3. Relief, if granted, would be in harmony with, or, could be made to be in harmony with, the general purpose and intent of the Zoning Ordinance; or,
4. The application of the particular provision of the Zoning Ordinance to a particular piece of property, due to extraordinary and exceptional conditions pertaining to that property because of its size, shape, or topography, would create an unnecessary hardship for the owner while causing no detriment to the public; or,

The applicant has indicated that the variances being requested will be in harmony with the policy and intent of the Zoning Ordinance and will not result in any harm to the health, safety and welfare of the general.

Staff is of the opinion that the request to locate buildings within 3 feet of the right-of-way is not in harmony with the intent of the Zoning Ordinance and City Center Master Plan. This variance would greatly reduce amount of supplemental area required between the building façade and the street curb. These supplemental areas are key in developing public spaces and walkability within the City Center study area. Therefore, based on these reasons, the staff recommends **DENIAL** of this variance request.

DEPARTMENT COMMENTS

The staff held a Focus Meeting with Transportation, Building and Permitting, Fire, Code Enforcement, Site Development, and the Arborist on December 3, 2014 at which the following departments had comments. The staff has received additional comments from the Fulton County Board of Education and Fulton County Department of Water Resources (see attachments). The applicant has indicated that a traffic study will be submitted.

Public Works Division	Comments
Transportation Services	<div>Background Information</div> <div><ul style="list-style-type: none">- Roswell Road is classified a Principal Arterial Street with a posted speed of 35mph and average daily traffic of 37,910 south of the site (GDOT, 2013).- Hilderbrand Drive is classified a Minor Street with a posted speed of 35mph and average daily traffic of 2,420 (COSS, 2014).- Boylston Road is classified a Minor Street with a posted speed of 30mph and average daily traffic of 3,700 (COSS, 2010).</div> <div>Overlay District Requirements</div> <div><ul style="list-style-type: none">- Streetscapes shall conform to the City Center Master Plan within the Main Street Overlay District. Roswell Road: 2' paver band with 9' sidewalk; Hildebrand Drive and Boylston Road: 2 lane with parking (11' travel lane, 8' parking lane, 8' landscape strip, and 10' sidewalk adjacent to mixed use); Alley Street: 12' travel lane, 6' sidewalks.</div> <div>Planned Projects from Adopted Plans</div> <div>City Center Master Plan</div> <div><ul style="list-style-type: none">- Exhibit 13: Create walkable street grid (includes new north-south alley and new east-west street, "2 lane with parking")- Exhibit 15: Create bicycle sidepath along Boylston Drive.</div> <div>Transportation Master Plan</div> <div><ul style="list-style-type: none">- C2, C3: Sidewalks connections on Boylston Drive and Hilderbrand Drive.- C17: Provide interparcel pedestrian connections at key locations in downtown Sandy Springs, including Boylston Drive to Sandy Springs Circle.- C5: Provide streetscape improvements along Roswell Road from Abernathy Road to Hilderbrand Drive- C19: Construct centralized parking structures to provide shared parking supply as redevelopment occurs.- A6: Develop improvement concepts to implement access management techniques along Roswell Road to include signal spacing, interparcel access, backside connections, and medians where appropriate.- A9: Work with property owners to establish interparcel connectivity in Downtown Sandy Springs and along Roswell Road and other commercial corridors.</div> <div>Bicycle, Pedestrian and Trail Plan</div>

	<ul style="list-style-type: none">- B05: Roswell Road sidepath from Hammond Drive to Sandy Springs Circle- S19: Hilderbrand Drive sidewalks from Sandy Springs Circle to Boylston Dr- S10: Boylston Drive sidewalks from Hammond Drive to Mt Vernon Highway <p>Recommended Condition</p> <ul style="list-style-type: none">- Reservation of 25-foot wide utility corridor behind the 55-foot right-of-way dedication.- In response to requested Variance 2 to permit buildings to be located within three feet of the right-of-way, all structural building elements including, but not limited to: overhangs, footings, stoops and steps, shall not be constructed in the public right-of-way. <p><i>At the time of permitting, the site shall meet requirements of Articles 11 and 12 of the Development Ordinance. Based on a review of the zoning site plan, please note the following:</i></p> <ul style="list-style-type: none">- All proposed streets shall be constructed to public street standards, §103-70.- Proposed access shall meet uninterrupted ingress/egress requirements of Sandy Springs or Georgia DOT (for Roswell Road). Access within 250 feet of a signalized intersection shall be right-in, right-out. As shown on the site plan, the middle east-west Alley is not in compliance. Applicant shall determine requirements for left-turn or deceleration lanes at proposed access. Proposed access shall meet minimum separation and spacing and be designed to avoid off-set conflicts. A traffic impact study is required. §103-73- The minimum right-of-way dedication for Roswell Road is 55 feet from centerline, 11 feet from back of curb or 1 foot from back of sidewalk, whichever is greater. The minimum right-of-way dedication for Boylston Drive, Hildebrand Drive, and proposed new east-west street is 37 feet from centerline, 11 feet from back of curb or 1 foot from back of sidewalk, whichever is greater. The minimum right-of-way dedication or common easement for proposed north-south alley is 36 feet (total) or 11 feet from back of curb or 1 foot from back of sidewalk, whichever is greater. Right-of-way miters shall be provided at each street intersection: 20' for streets intersecting Roswell Road and 10' for all other streets. §103-75- All access points shall meet minimum sight distance. §103-77.- The maximum width for commercial driveways is 24 feet, §103-73. The proposed driveway on Boylston exceeds this width.- All proposed driveways shall meet minimum spacing and separation to avoid creating off-set conflicts, §103-73. Applicant shall align proposed driveways on new east-west street at south property line with permitted driveways associated with Land Disturbance Permit 201302565 (Bank of America, 6075, 6077, & 6087 Roswell Rd).
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Capital Improvement Program (CIP)	None.
Stormwater Services	Site plan should indicate proposed stormwater management and consider offsite stormwater flows through the project.
Field Services	None.

PUBLIC INVOLVEMENT

Public Comments (Letters are provided in file)

Opposition

- Density/ bad precedence
- Building height too high
- Increase in traffic
- Too much multi-family housing already
- Scale to neighborhood
- Transition
- Underground utilities

DEPARTMENT OF COMMUNITY DEVELOPMENT RECOMMENDATION

201404014- DEFERRAL

Variance #1- DENIAL

Variance #2- DENIAL

It is the opinion of staff that the subject use which provides a mix of uses is in conformity with the intent of the Comprehensive Plan Policies and the City Center Master Plan. However, the density of the proposed multi-family residential units far exceeds the densities of developments similar in size and nature within the Main Street Overlay District along with those prescribed by the Comprehensive Plan policies. The applicant indicated that elevations would be provided, however none have been submitted to date. Therefore, based on these reasons, the staff recommends DEFERRAL of the Rezoning petition and DENIAL associated concurrent variances #1 and #2.

The following would be needed for staff to provide a further analysis:

- Elevations of each block of the north-south and east-west sections of the site.
- Elevations or renderings of all proposed structures.
- A more fully developed and dimensioned landscape/hardscape plan with topography.
- Breakdown of the unit mix including square footages, number of bedrooms and total square footage of the proposed multi-family use.

PLANNING COMMISSION RECOMMENDATION- February 19, 2015

201404014- TBD

Variance #1- TBD

Variance #2- TBD

STAFF RECOMMENDED CONDITIONS

Should the Mayor and City Council decide to rezone the subject property from C-1 (Community Business District) to MIX (Mixed Use District), the staff recommends the approval be subject to the following conditions. The applicant's agreement to these conditions would not change staff recommendations. These conditions shall prevail unless otherwise stipulated by the Mayor and City Council.

1. To the owner's agreement to restrict the use of the subject property as follows:
 - a. Multifamily residential use at a maximum density of 88.06 units per acre or 450 units, whichever is less.
 - b. Retail/Service Commercial and associated accessory uses at a maximum density of 7,827.79 gross square feet per acre or 40,000 gross square feet, whichever is less.
2. To the owner's agreement to abide by the following:
 - a. To the site plan received by the Department of Community Development on February 5, 2015. Said site plan is conceptual only and must meet or exceed the requirements of the Zoning Ordinance, the Development Standards contained therein, and these conditions prior to the approval of any Land Disturbance Permit. In the event the Recommended Conditions of Zoning cause the approved site plan to be substantially different, the applicant shall be required to complete the concept review procedure prior to application for a Land Disturbance Permit. Unless otherwise noted herein, compliance with all conditions shall be in place prior to the issuance of the first Certificate of Occupancy.
3. To the owner's agreement to provide the following site development standards:
 - a. Pedestrian zones between the back of curb and building facades shall in accordance with Appendix B of the City Center Master Plan.
 - b. Ground floor residential units that are adjacent to the sidewalk on Hilderbrand Drive, Boyleston Drive and the Newly Created Road (to be named later) shall have individual entrances to such units directly accessible from the sidewalk and shall open directly onto the adjacent sidewalk, park, plaza, terrace or porch adjacent to the sidewalk.
 - c. Ground floor residential units that are adjacent to the sidewalk on Hilderbrand Drive, Boyleston Drive and the Newly Created Road (to be named later) shall have a finished floor elevation to be between 18 inches and 30 inches above sidewalk grade.
 - d. Provide retail frontage on Roswell Road with a minimum 70% transparent glazing between 2 feet and 12 feet above sidewalk grade.
 - e. All utilities be placed underground.
 - f. Meet all requirements identified in Public Works comments listed in this report.
 - g. Coordinate street designs, alignments, lighting and street tree locations and accesses with the adjacent Bank of America development.
 - h. Provide retail frontage on Roswell Road with a minimum 70% transparent glazing between 2 feet and 12 feet above sidewalk grade.

- i. Roswell Road, Hilderbrand Road, Boylston Drive and newly created streets and alleys shall employ a street design in accordance with the City Center Master Plan.
- j. Relocate the north "Loading/Service" element behind residential in "Open Space" element with access from Hilderbrand Road; relocate "Open Space" element to the north-south "New Street".
- k. Eliminate "Retail/Service/Commercial/Residential Amenity" element and replace with open space as shown in earlier site plans.
- l. Create a minimum of 20% open space on the property.

Attachments

- Letter of Intent dated received November 4, 2015
- Modification of Letter of Intent and Site Plan dated received February 6, 2015
- Revised Site Plan dated received February 5, 2015
- Impact Statement Fulton County Schools
- Water Resources, Fulton County Department of Health Services and Fulton County Department of Planning and Community Service
- Fulton County Health Department
- Letters of Opposition

LETTER OF INTENT

RECEIVED
PERMITS DEPT
NOV 04 2014

The property is bounded by Roswell Road to the west, Hilderbrand Drive to the north and Boyleston Drive to the east and contains approximately 5.34 acres (the "Property"). The Property is presently zoned unconditionally to the C-1 Classification.

The Applicant requests a rezoning to the MIX Classification for the development of 450 "For Rent" multifamily units and up to 35,000 square feet of retail and service/commercial and accessory uses. The multifamily units will be individually metered with a minimum of nine foot interior ceiling heights and granite or comparable quality countertops. It is to be noted that the Owner of the Property through negotiations with the City of Sandy Springs has made available a strip of land contiguous and to the south of the Property for the creation of an east/west connector road desired by the City of Sandy Springs. Additionally, it is to be noted that the Applicant in planning the proposed development has incorporated a north/south alleyway through the Property further in keeping with the longrange plans of the City of Sandy Springs. The development proposed by the Applicant results in a per acre density for the "For Rent" multifamily units of 88.06 units per acre and 6,849.32 square feet per acre for the proposed retail and service/commercial uses. The Property is designated on the Comprehensive Land Use Plan Map as Live/Work Community and these resulting densities do not strictly comply with the suggested levels of densities; however, this zoning proposal does comply with the policies and intent of the Main Street Overlay District within which the Property is located for redevelopment containing a mix of residential units and a meaningful amount of retail and service/commercial uses located in the immediate area of the City Center Development. The Applicant further requests a three part Concurrent Variance as more particularly described and set forth on Exhibit "A" attached hereto and by reference thereto made a part hereof. The hardship burdening the Property is the inability of the Applicant to develop the Property in keeping with the policies and intent of the Zoning Ordinance without the approval of these requested Concurrent Variances which hardship is unique to the Property. Accordingly, this Application for Rezoning and Concurrent Variances is entirely appropriate and the appropriateness of this Application for Rezoning and Concurrent Variances and the constitutional assertions of the Applicant are more particularly stated and set forth on Exhibit "B" attached hereto and by reference thereto made a part hereof.

Now, therefore, the Applicant requests that this Application for Rezoning and Concurrent Variances be approved as submitted in order that the Applicant be able to proceed with the lawful use and development of the Property.


APPLICANT:

MCRT Investments, LLC

By: 

Chad Dubeau

Its: Senior Managing Director



Nathan V. Hendricks III
Attorney for the Applicant

6085 Lake Forrest Drive
Suite 200
Sandy Springs, Georgia 30328
(404) 255-5161

FIRST AMENDMENT TO APPLICATION FOR
REZONING AND CONCURRENT VARIANCES

IN RE:)
APPLICANT:) Application Number: 201404014
MCRT Investments, LLC)
PROPERTY:)
5.11 Acres Bounded on the West)
by Roswell Road, on the North)
by Hilderbrand Drive and on the)
east by Boyleston Drive)

Now comes MCRT Investments, LLC (the "Applicant" hereunder) who does hereby modify and amend the above referenced Application for Rezoning and Concurrent Variances and associated Letter of Intent as follows:

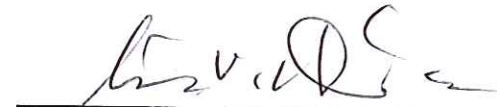
1.

The Site Plan originally filed with the Application is hereby deleted and there is substituted and placed in lieu thereof the Site Plan filed aimul-
taneously herewith.

2.

It is to be noted that the Applicant, as noted on the amended Site Plan, requests up to 40,000 square feet of retail/residential amenity/office/restau-
rant/service and accessory uses which results in a density of 7,827.79 square
feet per acre.

Now, therefore, the Applicant requests that this Application for Rezoning and Concurrent Variances be approved as submitted and as modified and amended hereunder in order that the Applicant be able to proceed with the lawful use and development of the Property.


Nathan V. Hendricks III
Attorney for the Applicant

6085 Lake Forrest Drive
Suite 200
Sandy Springs, Georgia 30328

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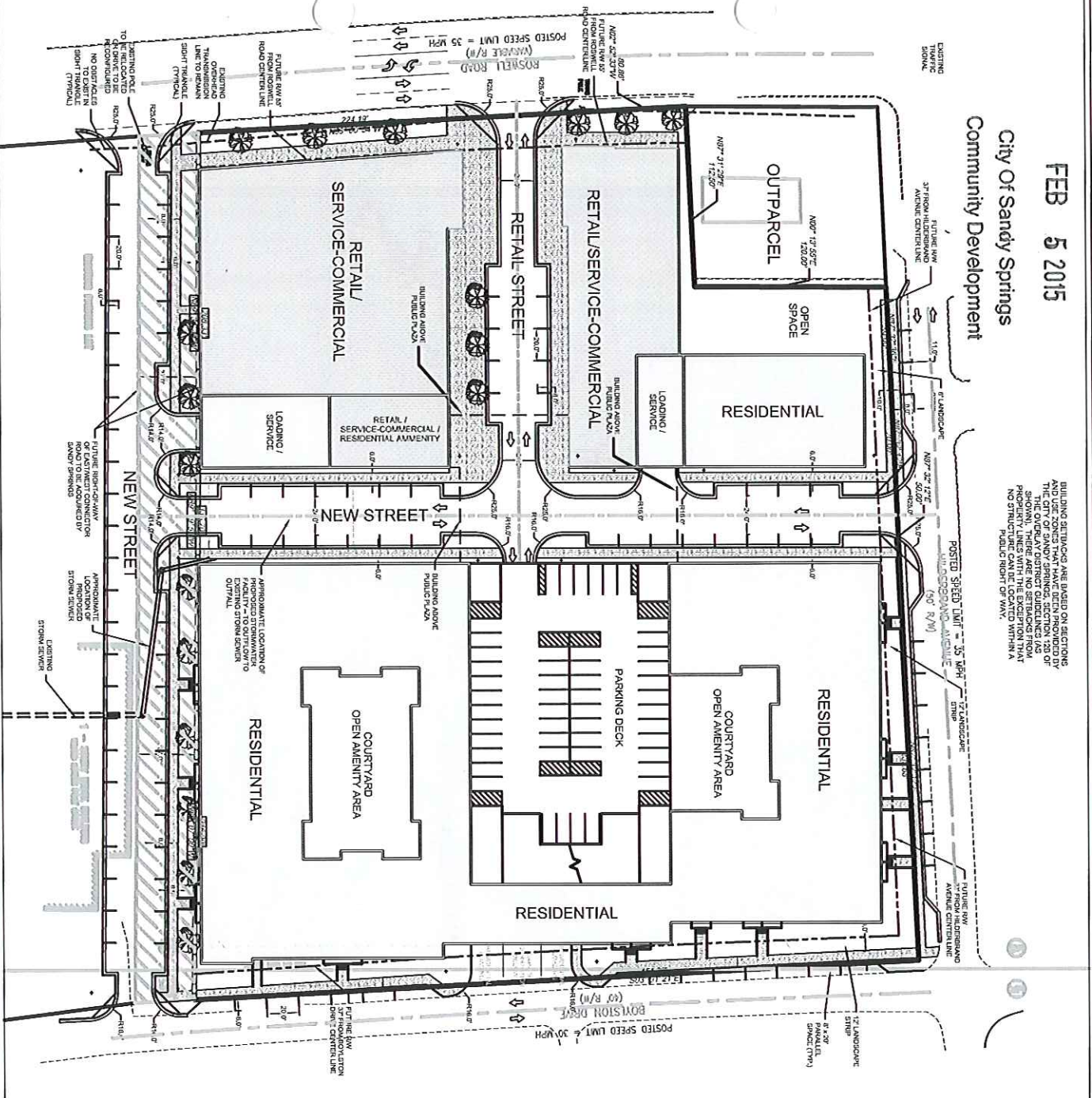
City Of Sandy Springs
Community Development

201404014

FEB 5 2015

City Of Sandy Springs

Community Development

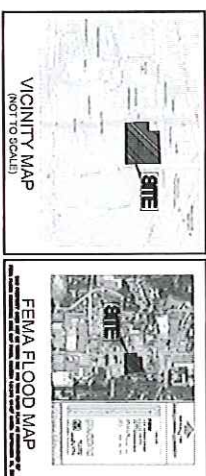


BUILDING SETBACKS ARE BASED ON SECTIONS AND USE ZONES THAT HAVE BEEN PROVIDED BY THE CITY OF SANDY SPRINGS. SECTION 12B OF THE OVERLAY DISTRICT GUIDELINES (AS SHOWN), THERE ARE NO SETBACKS FOR PROPERTY LINES WITH THE EXCEPTION THAT NO STRUCTURE CAN BE LOCATED WITHIN A PUBLIC RIGHT OF WAY.

[illegible]

SITE NOTES

- 1) TOTAL AREA OF SUBJECT PROPERTY = 5.11 AC.
- 2) CURRENT ZONING OF SUBJECT SITE IS C-1 COMMUNITY BUSINESS DISTRICT
- 3) NO WETLANDS EXIST ON/NEAR THE SUBJECT SITE
- 4) PER AIR MAP 13.121(C)1 42F, NO PORTION OF THIS SITE IS LOCATED INSIDE THE 100-YEAR FLOODPLAIN
- 5) EXISTING TOPOGRAPHY AND UTILITIES PROVIDED ON ATTACHED BOUNDARY/AREA SURVEY
- 6) PER THE OCTOBER 8, 2014 LETTER FROM LAMAR LAMBERT AT MILTON COUNTY DEPT. OF WATER RESOURCES, SERVICE TREATMENT CAPACITY IS AVAILABLE FOR THE SUBJECT SITE
- 7) PER THE SEPTEMBER 19, 2014 LETTER FROM ROSS BROWN AT CITY OF ATLANTA, WATER AVAILABILITY EXISTS FOR THE SUBJECT SITE.



GRAPHIC SCALE



Know what's below.
Call before you dig.

ZONING SITE PLAN
MILL CREEK AT SANDY SPRINGS

Drawing No
1 OF 1
14-022.dwg

MCRT Investments, LLC
3715 NORTHSIDE PARKWAY
SUITE 2-725
ATLANTA, GA 30327
OFFICE: 678-608-0907



Fulton County Schools - Rezoning Impact Statement

12/9/2014

PETITION: 201404014

JURISDICTION: Sandy Springs

Proposed Residential Units

Single-family detached 0 Townhouses 0 Apartments 450 Condominiums 0

HOME SCHOOL	CURRENT ENROLLMENT ^A	GADOE CAPACITY	ESTIMATED # NEW STUDENTS GENERATED	PROJECTED UNDER/OVER CAPACITY ^B	
				WITHOUT DEV	WITH DEV
Lake Forest ES	979	850	8 to 291	129	137 to 420
Ridgeview Charter MS	1,102	1200	0 to 94	-98	-98 to -4
Riverwood Charter HS	1,551	1325	9 to 108	226	235 to 334
TOTAL			17 to 493		Insufficient historical data to run report? <input type="checkbox"/>

HS REGION: Riverwood Charter HS

One single-family detached unit generates:

AVERAGE - 1 STD. DEV.

0.011618	to	0.234504	elementary school students
0.000000	to	0.071573	middle school students
0.002532	to	0.147522	high school students

One townhouse unit generates:

0.006694	to	0.103282	elementary school students
0.000000	to	0.029924	middle school students
0.013470	to	0.082704	high school students

One apartment unit generates:

0.017346	to	0.647094	elementary school students
0.000000	to	0.209417	middle school students
0.020138	to	0.24105	high school students

One condominium unit generates:

0.000000	to	0.380842	elementary school students
0.000000	to	0.08986	middle school students
0.000000	to	0.153862	high school students

AVERAGE OPERATIONAL COST PER STUDENT (FY14):

TOTAL COST:\$12,286 PORTION LOCAL REVENUE SOURCES: \$8,209 PORTION STATE AND OTHER REVENUE SOURCES: \$4,077

^A Based on first-month enrollment count for 2014-15 school year

^B Positive values indicate numbers of students a facility is over state capacity / negative values indicate number of students a facility is under state capacity.

* State capacity indicates space. However due to the number of special programs, portable classrooms or other measures may be needed to accommodate the instructional needs of the school.

** Student yields are calculated annually based on geocode of enrolled FCS students in built-out developments within the high school zone in which the proposed development is located.



Kasim Reed
MAYOR

CITY OF ATLANTA

Jo Ann J. Macrina, PE
COMMISSIONER

DEPARTMENT OF WATERSHED MANAGEMENT

72 MARIETTA STREET SE
ATLANTA, GEORGIA 30303-3544
OFFICE 404-546-3230
FAX 404.739.3306

December 16, 2014

Linda Abaray
City of Sandy Springs
Department of Community Development
Planning and Zoning Division
7840 Roswell Road, Building 500
Sandy Springs, Georgia 30350

Subject: Water Availability for 0 & 263 Hilderbrand Dr., Sandy Springs, Ga.

Dear Linda Abaray,

Our records indicate that there is an existing 6 inch water main located, BOC on the north side of Hilderbrand Dr. between Boylston Dr. and Sandy Springs Pl. This water main is owned and maintained by the City of Atlanta.

To integrate into Atlanta Water System or rearrange water facilities, the developer must submit the following to the City of Atlanta-Bureau of Engineering Services:

1. A set of stamped engineering drawings showing their developmental objectives for review and approval.
2. The enclosed basis of design form to include all applicable information, with a copy of a City of Atlanta fire hydrant flow test. Contact the Bureau of Engineering Services office of Meter Application at 404-330-6091 for payment and scheduling for the flow test.
3. A two thousand dollar deposit (\$2000.00). Check must be payable to City of Atlanta.

Once the plans have been approved, the developer will then receive additional instructions regarding the process and procedures from the Bureau of Engineering Services.

Should additional information be needed, please contact Jarrell Thornton at 404-546-3249.

Sincerely,

Jarrell Thornton

Cc: Parett Smith



Kasim Reed
MAYOR

CITY OF ATLANTA

Jo Ann J. Macrina, PE
COMMISSIONER

DEPARTMENT OF WATERSHED MANAGEMENT

72 MARIETTA STREET SE
ATLANTA, GEORGIA 30303-3544
OFFICE 404-546-3230
FAX 404.739.3306

December 16, 2014

Linda Abaray
City of Sandy Springs
Department of Community Development
Planning and Zoning Division
7840 Roswell Road, Building 500
Sandy Springs, Georgia 30350

Subject: Water Availability for 6125 & 6135 Roswell Road, Sandy Springs, Ga.

Dear Linda Abaray,

Our records indicate that there is an existing 12 inch water main located within the roadway on the west side of the center line on Roswell Rd. between Hilderbrand Dr. and Sandy Springs Pl. This water main is owned and maintained by the City of Atlanta.

To integrate into Atlanta Water System or rearrange water facilities, the developer must submit the following to the City of Atlanta-Bureau of Engineering Services:

1. A set of stamped engineering drawings showing their developmental objectives for review and approval.
2. The enclosed basis of design form to include all applicable information, with a copy of a City of Atlanta fire hydrant flow test. Contact the Bureau of Engineering Services office of Meter Application at 404-330-6091 for payment and scheduling for the flow test.
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Once the plans have been approved, the developer will then receive additional instructions regarding the process and procedures from the Bureau of Engineering Services.

Should additional information be needed, please contact Jarrell Thornton at 404-546-3249.

Sincerely,

A blue ink signature of Jarrell Thornton, written in a cursive style.

Jarrell Thornton

Cc: Parett Smith

Abaray, Linda

From: Amy T <aat118@gmail.com>
Sent: Wednesday, December 17, 2014 9:50 PM
To: Abaray, Linda
Subject: Apartments

Why do we need more apartments in Sandy Springs?

We move here to get away from all the apartment complexes in the city where there's plenty. We need to put something useful there as in places that people use. This promotes overcrowding here and it's exactly what the residents that live here and pay taxes don't want. We live in a beautiful neighborhood of Sandy Springs and now it's being ruined and tainted. If people want to live in apartments why not go where they are cheap and affordable and in wonderful locations in Decatur, Midtown, and Atlanta?
No one who lives here will be happy about this.

Abaray, Linda

From: Rusnak, Matthew <Matthew.Rusnak@bsci.com>
Sent: Wednesday, December 17, 2014 1:34 PM
To: Abaray, Linda
Subject: Apartment Developments

Dear Linda,

I was writing you today to voice my concern for the construction of the new apartments going up on Roswell Rd. I am resident of Whispering Pines and I love how the city was able to place the utilities underground for the new Abernathy Park. Is there a way they can do that for the new apartments?. Thank you for your time!

Matthew Rusnak, RN, CCDS
Field Clinical Representative
SICD Mentor
Boston Scientific CRM
[Atlanta, GA](#)
1.800. CARDIAC (227-3422)
matthew.rusnak@bsci.com

Howard, Kevin

From: Parker, Angela
Sent: Wednesday, February 04, 2015 1:04 PM
To: Cooley, Joe; Howard, Kevin
Subject: FW: 700 Apartments coming to Sandy Springs

Please include in the case.

Angela Parker
Community Development Director
City of Sandy Springs
Phone: 770.206.1574 Cell: 404.797.7807
Twitter.com/sandyspringsga – Breaking News & Traffic Alerts
Facebook.com/sandyspringsga – LIKE for Community News

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FEB 4 2015
City Of Sandy Springs
Community Development

From: Sterling, Gabriel
Sent: Wednesday, February 04, 2015 10:59 AM
To: Parker, Angela
Subject: Fwd: 700 Apartments coming to Sandy Springs

Sent from my iPad

Begin forwarded message:

From: dottie myers <myersds@bellsouth.net>
Date: February 4, 2015 at 10:58:03 AM EST
To: <gsterling@sandyspringsga.gov>
Cc: <rpaul@sandyspringsga.gov>, <jmcdonough@sandyspringsga.gov>
Subject: 700 Apartments coming to Sandy Springs

Hello, I live in the Mount Vernon Woods subdivision and am appalled to think that the city is even considering these 2 developments! Here are my reasons why I am so opposed to this sort of development.

1. The density of apartments, more than 77 per acre, is way over the city's 5-20 per acre.
2. Has anyone done a traffic study regarding the addition of who knows how many cars but at a minimum 700? One can hardly maneuver on Roswell Road as it stands today!
3. It would be nice to have a sustainable development. Perhaps restaurants and shops and offices but not 700 apartments!
4. I believe the city has lost sight of what neighborhoods are and how important they are to our future. More apartments do not make a neighborhood.

Would whoever knows who took over Linda Abaray's duties. please forward this email to them. Thanks.

Regards,

Dorothy S. Myers
6341 Vernon Woods Drive
Atlanta, Ga 30328
myersds@bellsouth.net

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FEB 4 2015

City Of Sandy Springs
Community Development

This e-mail message (including any attachments) is for the sole use of the intended recipient(s) and may contain confidential and privileged information. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution or copying of this message (including any attachments) is strictly prohibited. If you have received this message in error, please contact the sender and destroy all copies of the original message (including attachments). The City of Sandy Springs is a public entity subject to the Official Code of Georgia Annotated §§ 50-18-70 to 50-18-76 concerning public records. Email is covered under such laws and thus may be subject to disclosure.

Howard, Kevin

From: Tochie Blad <tblad1@comcast.net>
Sent: Friday, February 06, 2015 11:34 AM
To: Howard, Kevin
Subject: Letter for Packet on Mixed Use Apt. Applications/201404018 and 201404014

February 6, 2015

To: City Planners

FM: Tochie Blad, Greater Branches Neighborhood Assoc.

RE: Mixed use Apartment Applications- 201404018 and 201404014

The Branches Neighborhood backs up to Peachtree Dunwoody Rd. and is concerned about these new precedent setting zoning applications for mixed use with high density apartments. The applications are now moving forward following the Sandy Springs City Council approval of the new mixed use zoning amendment approved Jan.20. With the approval of the new zoning mixed category, mixed use now requires only 4 acres in city center and PCID as opposed to 10. Under the old mix category, the 10 acres would have required an Atlanta Regional Commission review. By the developers breaking out their project, the review is avoided to look at infrastructure and its affect on the area. Both of the new mixed use applications exceed the Comprehensive Land Use plan(CLUP) which guides the city in the zoning process. We want the CLUP to be upheld or we will see continued use of the Mixed Use being used as a backdoor way to increase apartment density in the city.

The new category should not allow developers to violate the density of the Comprehensive land use plan. We ask that you deny these applications based on density. The infrastructure is not there to served these new developments.

Sincerely,

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FEB 5 2015

**City Of Sandy Springs
Community Development**

Howard, Kevin

From: Trisha Thompson <trishathompsonfox@comcast.net>
Sent: Thursday, February 05, 2015 3:58 PM
To: Howard, Kevin
Subject: 201404014 MIX Roswell Road - Mill Creek

Kevin,

Sandy Springs Council of Neighborhoods would like to request a **Deferral** by the Planning Commission on this application. The request is based on the fact that the applicant does intend to provide a traffic study to be ready for MCC meeting. We would prefer that the traffic study be also available to the Planning Commission for inclusion in its careful evaluation. Traffic is a major concern in the development of the City Center area.

If the Planning Commission does feel that they do not need a Deferral to evaluate a traffic study, we would ask for an outright **Denial** based on the density of the project which exceeds the Comprehensive Land Use Plan.

Trisha Thompson
Zoning Chair
SSCN

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City Of Sandy Springs
Community Development



COURTYARD

ON-STREET
PARALLEL PARKING
(TYP.)

COURTYARD

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NOV 04 2014

City of Sandy Springs
Community Development



LORD
AECK
SARGENT

MILL CREEK
PEOPLE • PLACES • RELATIONSHIPS

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Community Development

